

ORDINANCE NO. 93-15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE PALM
BEACH COUNTY STORMWATER POLLUTION PREVENTION
ORDINANCE: PROVIDING FOR SHORT TITLE, APPLICABILITY
AND AUTHORITY; PROVIDING A PURPOSE; PROVIDING
DEFINITIONS; PROVIDING EXEMPTIONS; PROVIDING
REQUIREMENTS; PROVIDING PROHIBITIONS; PROVIDING
MATERIALS MANAGEMENT PRACTICES; PROVIDING FOR
MONITORING; PROVIDING FOR VIOLATIONS, ENFORCEMENT AND
PENALTIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN
THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN
EFFECTIVE DATE.

WHEREAS, there is a need to protect Palm Beach County's surface water resources; and

WHEREAS, stormwater runoff and non-stormwater discharges from the stormwater system are major contributors of pollution to Palm Beach County's canals, lakes, and estuaries; and

WHEREAS, the stormwater pollutant load must be reduced to maintain or restore beneficial uses of our water bodies; and

WHEREAS, non-stormwater discharges to the stormwater system represent a significant source of pollution in waters receiving such discharges; and

WHEREAS, materials that may contribute to contamination of stormwater runoff are often stored exposed to precipitation; and

WHEREAS, there are management practices available to reduce the potential for surface water quality degradation resulting from stormwater runoff; and

WHEREAS, the United States Environmental Protection Agency (EPA), empowered by the 1987 revision of the Clean Water Act, requires through the National Pollutant Discharge Elimination System (NPDES) Permit Applications Regulations for Stormwater Discharges that Palm Beach County effectively prohibit non-stormwater discharges into the stormwater system.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY FLORIDA that:

Section 1. SHORT TITLE; APPLICABILITY; AUTHORITY.

1.01 This Ordinance shall be known as the "Palm Beach County Stormwater Pollution Prevention Ordinance."

1.02 Applicability. The provisions of this Ordinance shall apply to the following stormwater systems:

(a) All stormwater systems owned and operated by Palm Beach County, except for stormwater systems in municipalities with legal authority specifically providing enforcement of County stormwater systems.

(b) All stormwater systems owned and operated by the Florida Department of Transportation in Palm Beach County pursuant to the provisions of any valid joint participation agreement entered into between the Florida Department of Transportation and Palm Beach County.

(c) All stormwater systems within unincorporated areas of Palm Beach County.

1.03 This Ordinance is adopted under the authority of Article VII, Section 1 of the Florida Constitution, Chapter 125, Florida Statutes (F.S.), and the Palm Beach County Charter.

Section 2. PURPOSE.

The purpose of this Ordinance is to improve the quality of stormwater discharges to the stormwater system; to promote the use of pollution prevention practices by commercial and industrial facilities; to provide an educational tool and increase public awareness of all stormwater discharges; and to address the causes of non-point source pollution, which degrade the quality of Palm Beach County's surface water resources on a source control basis. The purpose of this Ordinance is not to regulate discharge from one "Waters of the State" into another "Waters of the State".

Section 3. DEFINITIONS.

3.01 The following definitions apply within this Ordinance:

(a) Agriculture, bona fide means any plot of land where the principal use is bona fide agricultural, meaning the raising of crops inclusive of organic farming or animals inclusive of aquaculture or production of animal products such as eggs or dairy products inclusive of apiculture, or a wholesale nursery on an agricultural or commercial basis. A determination as to whether the use of the land for agriculture is bona fide shall only be made where both the Designation Criteria and Productivity Standards, as listed in the Palm Beach County Unified Land Development Code (ULDC), Section 3.2., under Agricultural, bona fide, are met.

(b) Authorized Official. Any authorized agent or employee of the County whose duty is to ensure compliance with the provisions of this Ordinance, including, but not limited to the Department of Environmental Resources Management (ERM), Department of Engineering and Public Works, Department of Planning, Zoning & Building and the Palm Beach County Public Health Unit (PBCPHU).

(c) Discharge. The direct or indirect release of any solid or liquid material.

(d) Facility. Main structures, accessory structures and activities which store, handle, use or produce stormwater contaminants listed in Section 5. of this Ordinance.

(e) Groundwater and Natural Resources Protection Board.
That Board designated by the Board of County
Commissioners of Palm Beach County, to hear alleged
violations of this Ordinance and other State and
Local laws protecting the groundwater and natural
resources of Palm Beach County.

- (f) Illicit connection means any connection to a the stormwater system that allows any discharge that is not composed entirely of stormwater.
- (g) Illicit discharge means any discharge to the stormwater system that is not composed entirely of stormwater.
- (h) Non-stormwater discharge. Any release of solid or liquid material that is not composed entirely of stormwater.
- (i) Person. Any individual, corporation, firm, association, joint venture, partnership, municipality, government agency, political subdivision, public officer, owner, lessee, tenant or any other entity whatsoever or any combination of such, jointly or severally.
- (j) Pesticide. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life, except viruses, bacteria, or fungi on or living in man or other animals, which the Florida Department of Agriculture and Consumer Services declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. This includes fungicides, herbicides, insecticides, nematocides and rodenticides.
- (k) Stormwater. The flow of water which results from, and which occurs immediately following, a rain event.
- (l) Stormwater Pollution. The presence in stormwater of any one or more substances or contaminants in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

(k) Stormwater System. The system of conveyances used for collecting, storing, and transporting stormwater.

Section 4. EXEMPTIONS

4.01 Exempted Activities. The following discharges are exempt from the prohibitions and requirements of this Ordinance:

(a) Discharges permitted pursuant to Chapter 403, F.S., provided that a Water Pollution Operating Permit or Temporary Permit issued by the Florida Department of Environmental Protection (DEP) is in effect. Wastewater discharges permitted by the DEP pursuant to State administration of the NPDES shall also be exempted provided that the permit issued by DEP remains in effect. Emergency discharges related to a wastewater utility sanitary sewer conveyance system failure.

(b) The direct or indirect discharge as a result of the application of pesticides, including maintenance herbicide application within designated water management facilities or insecticide application related to mosquito control activities, provided that the application is performed in accordance with registered label instructions using only chemicals approved for the particular use by the EPA or by the State of Florida Department of Agriculture and Consumer Services, and in accordance with all applicable state and federal rules and regulations.

(c) Discharges from on-site sewage disposal systems which are permitted or approved by the PBCPHU, pursuant to the HIDC, Section 7.10.

(d) Discharges associated with dewatering operations which are permitted by the South

1 Florida Water Management District (SFWMD),
2 provided that the permit issued by SFWMD
3 remains in effect.

4 (e) Discharges from stormwater retention or
5 detention facilities in compliance with the
6 conditions of all required Surface Water
7 Management Permits issued under the authority
8 of SFWMD.

9 (f) Discharges from facilities with valid NPDES
10 Permits for Discharges Associated with
11 Industrial Activities issued under the
12 authority of EPA.

13 (g) Discharges from bona fide agricultural use
14 activities.

15 (h) The following discharges: Flows from fire
16 fighting, water line flushing and other
17 contributions from potable water sources,
18 rising groundwaters, direct infiltration to the
19 storm water system, uncontaminated pumped
20 groundwater, foundation and footing drains, air
21 conditioning condensation, individual
22 residential car washing, flows from riparian
23 habitats and wetlands, and swimming pool
24 contributions.

25
26 Section 5. REQUIREMENTS.

27 Discharge of substances or contaminants that cause or
28 contribute to stormwater pollution into the stormwater system
29 shall be reduced to the maximum extent practical. Examples of
30 such substances or contaminants include, but is not limited to
31 the following:

32 (a) Acids and Alkalies;
33 (b) Animal carcasses;
34 (c) Animal and pet waste;
35 (d) Antifreeze or other automotive products;
36 (e) Chemicals and Heavy metals;
37 (f) Chemically treated cooling water;
38 (g) Chlorinated water or chlorine;
39 (h) Construction materials;
40 (i) Degreasers, Solvents;
41 (j) Drainage or leachate from solid waste containers;
42 (k) Flammable liquids;
43 (l) Heated water;

- (m) Laundry waste;
- (n) Lawn clippings, leaves or branches;
- (o) Paints;
- (p) Pesticides and Fertilizers;
- (q) Petroleum products, including but not limited to oil, diesel, gasoline and grease;
- (r) Recreational vehicle waste;
- (s) Sanitary sewage;
- (t) Silt;
- (u) Soaps;
- (v) Solid Waste;
- (w) Solids in quantities or of such size capable of causing interference or obstruction to the flow in storm water management systems;
- (x) Steam cleaning waste;
- (y) Toxic, hazardous, biomedical, or poisonous solids or liquids.

Section 6. PROHIBITIONS

6.01 Illicit Discharges, Spills and Dumping.

- (a) General Prohibitions. Except as set forth under Section 4.01(h) of this ordinance or in accordance with a valid NPDES permit, any non-stormwater discharge to the stormwater system is prohibited.
- (b) Specific Prohibitions. Any discharge to the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county or other laws, rules, or regulations is prohibited.

6.02 Illicit Connections. No person may maintain, use or establish any direct or indirect physical connection to the stormwater system that results in any discharge in violation of this Ordinance. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

Section 7. MATERIALS MANAGEMENT PRACTICES

Non-residential facilities constructed after the effective date of this Ordinance in unincorporated Palm Beach County shall be required to implement structural or non-structural

1 measures to prevent exposure of substances or contaminants
2 which cause or contribute to stormwater pollution to
3 precipitation and subsequent entry into the stormwater system.
4 The required measures include, but are not limited to, covered
5 storage, containment or materials management practices.

6

7 **Section 8.0 MONITORING**

8 **8.01 Authority For Monitoring and Sampling.** Upon
9 reasonable belief that a violation exists any Authorized
10 Official may establish on any property such devices as are
11 necessary to conduct sampling or metering of discharges to the
12 stormwater system. During any inspections made to enforce the
13 provisions of this ordinance, any Authorized Official may take
14 any samples deemed necessary. Within municipalities, sampling
15 shall not proceed without notification of that municipality.

16 **8.02 NPDES Permits.** Any Person who holds a NPDES permit
17 and discharges to a stormwater system owned and operated by
18 Palm Beach County shall provide a copy of such permit to ERM
19 when made available to the permittee.

20

21 **Section 9. VIOLATIONS, ENFORCEMENT, PENALTIES**

22 **Groundwater and Natural Resources Protection Board.**

23 (a) Failure to comply with the requirements of this
24 Ordinance shall constitute a violation of this
25 Ordinance. Violations of the provisions of this
26 Ordinance shall, upon conviction, be punished
27 by a fine not to exceed five hundred dollars
28 (\$500) per day, per violation, or by
29 imprisonment in the County jail not to exceed
30 sixty (60) days or by both fine and
31 imprisonment pursuant to the provisions of
32 Section 125.69, F.S.. In addition to the
33 sanctions contained herein, the County may take
34 any other appropriate legal action, including
35 but not limited to emergency injunctive action,
36 to enforce the provisions of this Ordinance.

1 (b) Violations of this Ordinance may also be
2 referred by ERM to the Groundwater and Natural
3 Resources Protection Board (GNRPB) for
4 corrective actions and civil penalties. The
5 decision of the GNRPB shall be final
6 administrative action on behalf of the
7 Department and the County. Any person who is a
8 party to the proceeding before the GNRPB may
9 appeal to the Circuit Court of Palm Beach
10 County in accordance with applicable Florida
11 Appellate Rules. Funds collected pursuant to
12 administrative penalties levied by the GNRPB
13 for violations of this Ordinance shall be
14 deposited in the Palm Beach County Pollution
15 Recovery Trust Fund, or such other place as may
16 be designated by Resolution of the Board of
17 County Commissioners.

18

19 **Section 10. REPEAL OF LAWS IN CONFLICT**

20 All local laws and ordinances applying to Palm Beach
21 County in conflict with any provisions of this Ordinance are
22 hereby repealed to the extent of such conflict.

23

24 **Section 11. SEVERABILITY**

25 If any section, paragraph, sentence, clause, phrase, or
26 word of this Ordinance is for any reason held by the Court to
27 be unconstitutional, inoperative, or void, such holding shall
28 not affect the remainder of this Ordinance.

29

30 **Section 12. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

31 The provisions of this Ordinance shall become and be made
32 a part of the code of laws and ordinances of Palm Beach
33 County, Florida. The Sections of this ordinance may be
34 renumbered or relettered to accomplish such, and the word
35 "ordinance" may be changed to "section," "article," or any
36 other appropriate word.

1 Section 13. EFFECTIVE DATE

2 The provisions of this Ordinance shall become effective
3 upon receipt of acknowledgement by the Secretary of State.

6 APPROVED AND ADOPTED by the Board of County Commissioners
7 of Palm Beach County, Florida, on the 20th day of
8 JULY, 19 93.

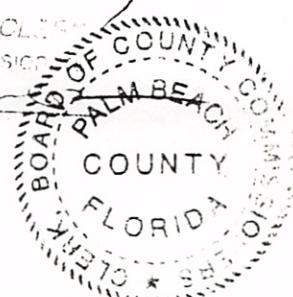
9 PALM BEACH COUNTY, FLORIDA, BY ITS
10 BOARD OF COUNTY COMMISSIONERS

11 By May M. K. Carl
12 Chairman

13 DOROTHY H. WILKEN, Clerk

14 Board of County Commissioners

15 By Brett R. Bar
16 DEPUTY CLERK



17 APPROVED AS TO FORM AND
18 LEGAL SUFFICIENCY

19 Dean B.
20 County Attorney

21 Acknowledgement by the Department of State of the State
22 of Florida, on this, the 26th day of July, 19
23 93.

24 EFFECTIVE DATE: Acknowledgement from the Department of
25 State received on the 27th day of July, 19 93,
26 at 10:11 A.M., and filed in the Office of the Clerk of
27 the Board of County Commissioners of Palm Beach County,
28 Florida.

29 STATE OF FLORIDA, COUNTY OF PALM BEACH
30 I, DOROTHY H. WILKEN, ex-officio Clerk of the
31 Board of County Commissioners certify this to be a
32 true and correct copy of the original filed in my office
33 on 7/20/93.
34 DATED at West Palm Beach, FL on 7/27/93.

DOROTHY H. WILKEN, Clerk
By: Doris Glazier
D.C.